

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

PROGRESSIVE SPECIALTY	}	
INSURANCE COMPANY,	}	
	}	
Plaintiff,	}	CIVIL ACTION NO.
	}	04-AR-3086-S
v.	}	
	}	
DAVIS TRUCKING COMPANY, et	}	
al.,	}	
	}	
Defendants.	}	

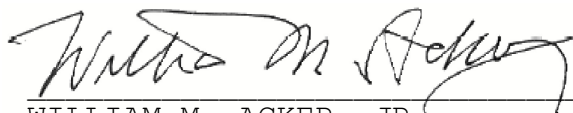
MEMORANDUM OPINION

On April 20, 2005, this court entered a judgment declaring that plaintiff, Progressive Specialty Insurance Company ("Progressive"), is not obligated to provide a defense for defaulting defendants, Davis Trucking Company and Willie J. Davis, or to indemnify either of them, with respect to any claims made against them in CV-04-03489-S, pending in the Circuit Court of Jefferson County, Alabama.

On August 28, 2005, Progressive filed a motion for summary judgment against all other defendants, who were thereupon ordered to respond to the motion by September 12, 2005. No defendant responded, and, in fact, some have indicated affirmatively by telephone that they do not resist Progressive's motion. Under the circumstances, the court adopts the undisputed facts as they are stated in the brief and evidentiary materials filed by Progressive in support of its motion, and the conclusions of law that it asks the court to reach.

An appropriate order of final summary judgment will be separately entered.

DONE this 1st day of November, 2005.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE